

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-4258**

Applicant: Tommy Rollens, on behalf of Herbert J. Sam

Address of Property: 915 41st Street East

Contact Person and Phone: Tommy Rollens, (320) 532 -7432

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: November 24, 2008

Publication of Staff Report: December 12, 2008

Public Hearing: December 18, 2008

Appeal Period Expiration: December 29, 2008

End of 60 Day Decision Period: January 23, 2009

Ward: 8 **Neighborhood Organization:** Bancroft Neighborhood Association

Existing Zoning: R1A Single Family District

Proposed Use: A 22 by 22 detached garage

Proposed Variance: A variance to allow a detached garage that is located not entirely to the rear of a principal structure.

Zoning code section authorizing the requested variance: 525.520 (8)

Background: The subject site is a reverse corner lot that is 40 feet wide and 125 feet deep (4,960 square feet). The platting of the property is oriented toward 10th Avenue South, but the structure is designed facing 41st Street East and the property also addresses off of 41st Street East. The property contains a single family dwelling and an attached single stall garage. The dwelling is located at the rear of the property along the alley and is what is commonly referred to as a “back of the alley house.” It is stated that the structure was located in this location as the site at one time also contained a corner store that was located along 10th Avenue South. The attached garage is 12 feet wide, 20 feet deep and 6 feet tall and is located to the south of the dwelling between the dwelling and the south interior side property line.

The applicant is proposing to construct a 22 by 22 detached garage on the site. The proposed location of the garage is to the east of the existing dwelling toward 10th Avenue South. The proposed garage will be

approximately 65 feet from the property line along 10th Avenue South, 15 feet from the property line along 41st Street East and 6 feet from the interior side property line. The garage is not located in a required front, side or corner side yard.

The Minneapolis Code of Ordinance requires that detached parking be located entirely to the rear of a principal structure. The proposed location of the garage is not entirely to the rear of the structure and requires a variance.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant has requested a variance to allow for a detached garage that is not located entirely to the rear of the principal structure. The applicant has a single stall attached garage located between the rear of the dwelling and interior side property line. The grade on the property decreases approximately 3 feet from the front of the structure along 41st Street East to the south interior property line. According to the applicant the accessible height of the garage was reduced when the alley was reconstructed. The applicant states that the height of the existing garage and the variable grade in front of the garage renders the garage unusable and that the only location available for on-site parking is an area that is not located entirely to rear of the structure.

The Minneapolis Code of Ordinance requires one off-street parking space per dwelling unit. The property currently complies with this requirement. However, the existing garage's size and adjacent grade highly impair its usability and accessibility. Staff believes the proposed garage location provides reasonable use of the property and staff recognizes the hardship caused by the location of the existing principal structure and the grade change on the rear of the lot.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The conditions upon which the variance is requested are unique to the parcel. The subject lot is a reverse corner lot; it contains a dwelling that is located in the rear of the lot, and property addresses and fronts a different street than it is platted, fronting 41st Street East rather than 10th Avenue South. The grade change of the property adjacent to the alley and the location of the existing dwelling is a unique circumstance not created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Granting the variance will be in keeping with the spirit and intent of the ordinance. The ordinance requires one off-street parking space and due to the location of the existing dwelling and the grade change the proposed location is the only space to accommodate the parking space.

The design of the dwelling, addressing off of 41st Street East rather than 10th Avenue South as the lot is platted, allows for the garage to not be located in front of the principle structure. From 41st Street East the proposed garage will appear to be located parallel to the existing principal structure. The proposed garage will not be located in any of the required yards and the location of the proposed driveway along 41st Street East will in keeping with other driveways along 41st Street East. For these reasons staff believes the proposed location of the garage will not negatively alter the essential character of the locality.

Staff is concerned, however, that the design of the proposed structure could negatively alter the essential character of the locality. The ordinance requires that 15 percent of the walls that face a public street are windows for principal structures. The applicant is proposing to install two windows along the 10th Avenue South facing facade of the structure.

Staff is also concerned that the materials, reveal of the lap siding, and color of the proposed garage will not match the existing structure and that this may alter the essential character of the area.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Granting the variance will decrease the congestion in the area. The applicant has two handicap parking spaces delineated on the street in front of the structure. The proposed garage will allow for off-street parking, which should reduce the need for on-street handicap parking spaces. Staff is concerned that the driveway for the proposed garage might be used for parking vehicles. The driveway is 12 feet deep and the parking of vehicles on the driveway, would be located in the required corner side yard, and could likely block the sidewalk, which would be detrimental to public safety and welfare.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and approve variance to allow for a detached garage that is located not entirely to the rear of a principal structure located at 915 41st Street East in the R1A Single Family District with the following conditions:

1. The 10th Avenue South wall of the garage shall be 15 percent windows, or 27 square feet. These windows shall have a design, trim, and shutters to match the windows of the principal structure.

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2. The materials, color, and reveal of the lap siding of the proposed garage shall match those of the principal structure.
3. The driveway for the proposed garage shall not be used for parking.
4. The proposed curb cut for the driveway is approved by the City of Minneapolis's Public Works department.
5. The existing attached garage shall not be used for parking.
6. CPED-Planning review and approve the final site plan, floor plans, and elevations.

Attachments:

1. Applicant's Statement and Letter to Neighborhood Group and Council Member
2. Map of Area
3. Site Plan and Plans for the Proposed Garage
4. Photographs
5. Letter from the Bancroft Neighborhood Association